

NOV 06 2006

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Unknown Respondents, )  
also known as someone who loves Jesus )  
and friends of swIJ )  
 )

2006 NOV -6 P 3:05

MUR 5583

**SENSITIVE**

GENERAL COUNSEL'S REPORT # 2

**I. ACTIONS RECOMMENDED**

This Office recommends the Commission take no further action and close the file in MUR 5583.

**II. BACKGROUND**

This matter involves a mailing expressly advocating the election or defeat of Senator Daschle that was sent to churches in South Dakota in October 2004. The mailing was purportedly paid for by "someone who loves Jesus and friends of swIJ," a sponsoring name apparently made up for purposes of the mailing. The South Dakota Republican Party ("SDRP"), which filed the complaint in this case, provided a photocopy of the mailing, but stated it was not responsible for it and did not know who was.<sup>1</sup>

On February 21, 2006, the Commission found reason to believe that Unknown Respondent(s), also known as someone who loves Jesus and friends of swIJ ("Unknown Respondent(s)"), violated 2 U.S.C. § 441d by failing to include a proper disclaimer in the mailing, and authorized an investigation. In the First General Counsel's Report in this matter, we proposed a limited investigation to determine whether information could be developed leading to the identity of the person(s) responsible for the mailing.

<sup>1</sup> Senator Daschle's campaign headquarters received a number of mailings because the headquarters' address is the return address on the envelope. The Daschle headquarters forwarded the mailings to the SDRP, believing it may have been responsible.

has been unable to

definitively identify the Unknown Respondent(s). At this juncture,

this Office believes it would not be a good use of scarce commission

resources to continue to pursue this matter. Accordingly, we recommend that the Commission

take no further action as to the Unknown Respondent(s), and close the file in MUR 5583.

### III. DISCUSSION

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MUR 5583

GCR #2

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At this point,

the lack of hard evidence implicating this individual in the

mailing at issue, the indication that if he was involved, he acted alone and possibly would be  
unable to pay a civil penalty, and the absence of any other fruitful leads. We believe continued  
pursuit of the identity of the mailing's sponsor is not a good use of the Commission's limited  
resources. Accordingly, this Office recommends that the Commission take no further action  
regarding Unknown Respondent(s), also known as someone who loves Jesus and friends of swlj,  
and close the file in MUR 5583.

1 V. RECOMMENDATIONS

- 2 1. Take no further action regarding Unknown Respondent(s). also known as someone  
3 who loves Jesus and friends of swlj:  
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5 2. Close the file; and  
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7 3. Approve the appropriate letter.  
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Lawrence H. Norton  
General Counsel

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Date 11/16/06

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